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SECRETARY

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**STATEMENT FROM SECRETARY KIM BELSHÉ**  
***Sacramento County Superior Court Ruling on***  
***Emergency Regulations for Nurse Staffing***  
***(California Nurses Association vs. Schwarzenegger, et al.)***

"Patient safety is a top priority of the Schwarzenegger Administration. A fundamental part of protecting patient safety is ensuring access to health care and maintaining adequate hospital nurse staffing.

"Consistent with this, the Department of Health Services implemented regulations setting initial ratios of 1:6 on January 1, 2004.

"In recognition of concerns regarding the unintended consequences of the ratios and informed by nearly a year of experience, the department issued emergency regulations in November 2004 to maintain the current ratios.

"The Administration strongly rejects today's ruling by the court. The state's action on nurse-to-patient staffing ratios is legally solid, keeps patients safe and ensures access to care.

"We're confident in our actions and we're not backing down. The Administration will seek to stop the ruling from immediately taking effect.

"The ruling claims the state's actions were arbitrary. What is arbitrary is the court's decision to ignore the state's longstanding rulemaking authority.

"The Schwarzenegger Administration broke new ground by implementing first-in-the-nation minimum staffing levels for nurses. If we push too hard and overstress the system, California will be the first state to implement failed nurse staffing levels."

**BACKGROUND**

- Legislation enacted in 1999 required the Department of Health Services (DHS) to enact specific numeric ratios for nurse-to-patient minimum staffing levels for specified units of acute care hospitals.
- In August 2003, DHS adopted regulations setting an initial minimum staffing level, rapidly lowering the nurse-to-patient staffing levels in 2005 and again in 2008. These enriched staffing levels would have required an additional 3,400 nurses.
- Committed to protecting patient safety, the Schwarzenegger Administration implemented regulations setting initial ratios at 1:6 for medical/surgical and mixed units on January 1, 2004.
- The fragility of California's healthcare system demanded a cautious approach in the implementation of the ratios. Therefore, DHS issued emergency regulations to maintain the minimum staffing level at 1:6 to ensure patient safety and access to care, rather than move the ratio to lower levels.

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